

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

**BRUCE E. KATZ, M.D., P.C., d/b/a JUVA
SKIN AND LASER CENTER,** individually
and on behalf of all others similarly situated,

Plaintiff,

v.

CAPITAL MEDICAL EDUCATION, LLC,
a South Carolina limited liability company,

Defendant.

Case No. 3:20-cv-02524-JMC

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that Plaintiff dismisses this lawsuit against and Defendant without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal

operates as an adjudication on the merits.

In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1)(i) without prejudice.

Respectfully Submitted,

BRUCE E. KATZ, M.D., P.C., d/b/a JUVA SKIN AND LASER CENTER, individually and on behalf of class of similarly situated individuals

Dated: June 21, 2022

By: /s/ Margaret A. Collins
One of Plaintiff's Attorneys

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